

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARY E. MARULLO,

Plaintiff,

v.

ORDER
08-CV-818

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on January 28, 2009. On April 27, 2009, defendant filed a motion for judgment on the pleadings. On September 14, 2009, plaintiff filed a motion for judgment on the pleadings. On May 4, 2010, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion be granted and plaintiff's motion be denied.

Plaintiff filed objections to the Report and Recommendation on May 17, 2010. Oral argument on the objections was held on July 8, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, plaintiff's motion for judgment on the pleadings is denied and defendant's motion for judgment on the pleadings is granted. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 20, 2010